

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

V.

SAMUEL ROSENBAUM,

Defendant.

Case No. 1:15CR00003-018

OPINION AND ORDER

By: James P. Jones
United States District Judge

Christopher Kavanaugh, Assistant United States Attorney, Charlottesville, Virginia, for United States; John T. Stanford, Assistant Federal Public Defender, Abingdon, Virginia, for Defendant.

Upon motion of the defendant for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), after considering the applicable factors provided in 18 U.S.C. § 3553(a), and for the reasons stated on behalf of the United States, it is **ORDERED** that the motion, ECF No. 1138, is **DENIED** after complete review of the motion on the merits.

The defendant, Samuel Rosenbaum, is a 61-year-old inmate confined at USP Lee. Pursuant to a plea agreement, Rosenbaum pleaded guilty to conspiring to manufacture, distribute and possess with the intent to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) and 846. I sentenced him on

December 10, 2015, to 108 months imprisonment. His projected release date is December 5, 2022.

Rosenbaum had participated in a complex methamphetamine distribution conspiracy where he and others trafficked the drug into Southwest Virginia for resale. Rosenbaum personally obtained or sold at least 150 but less than 500 grams of methamphetamine. He assisted Summer Delp, a high-level source of supply in the conspiracy, by accompanying her on trips to purchase methamphetamine and packaging drugs for her distribution. Rosenbaum also arranged smaller quantity purchases and sales on his own. He seeks compassionate release by arguing that his obesity, hypertension, and history of smoking elevate his risk for severe illness or death if he were to contract Covid-19 in prison.

Rosenbaum has not established extraordinary and compelling reasons to reduce his sentence. His argument concerning his increased risk for severe illness or death from Covid-19 lacks merit, because he has been fully inoculated with a vaccine which the Centers for Disease Control and Prevention indicates is 95% effective at preventing Covid-19-induced serious illness.¹ Suppl. Resp. 1, ECF No. 1185.

¹ Centers for Disease Control and Prevention, *Pfizer-BioNTech Covid-19 Vaccine Overview and Safety*, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/Pfizer-BioNTech.html> (last visited Aug. 17, 2021).

Nor has Rosenbaum shown that the § 3553(a) factors militate any reduction given his integral role in the conspiracy and the large quantity of methamphetamine that he is responsible for. In fact, his sentence was the lowest possible term of imprisonment under the guidelines range considering his criminal history and crime of conviction. Considering these facts and the § 3553(a) factors, including factors (1), 2(A), 2(B), and 2(C), I find that the defendant is not qualified for such extraordinary relief.

ENTER: August 17, 2021

/s/ JAMES P. JONES

United States District Judge